

MEETING NOTES | June 7, 2012

Santa Rosa Plain Basin Advisory Panel

Meeting in Brief

The Panel discussed the legal framework for groundwater management planning, reviewed draft goals and objectives for the plan, and considered the launch and organization of the Technical Advisory Committee. The subcommittee exploring concerns about governance structure presented its work. After this presentation, along with introduction of a participant letter of concern and extensive discussion, the Panel agreed, with two members opposing, to adopt AB 3030 as the legal framework for the Basin Advisory Panel groundwater management planning effort and to designate the Sonoma County Water Agency as the coordinating agency for the plan. One opposing member would prefer to see the basin go into adjudication. The other member was uncertain about the proposal. The concerns regarding governance structure are memorialized in the appendix.

Action Items

Timeframe	Name	Action Item
done	Bartlett	Refine goals and objectives
Early July	Bartlett	Prepare constituent briefing materials
June/early July	Geary, Burns & Nichols	Review draft public resolution language on AB 3030 plan
Late June	Marcus Trotter, Rich Wilson	Identify meeting dates and agenda items for Technical Advisory Committee

Next Meeting: July 12, 9:00 – 12:00, at Stony Point Road

- Climate change presentations (Lorraine Flint and Lisa Micheli)
- Constituent briefings
- Modeling scenarios

Decision on Legal Framework and Lead Agency

The Panel revisited the issue of selecting a legal framework and lead agency. A Panel subcommittee presented a draft Governance Proposal (6/1/2012) for discussion and approval. The document proposed a collaborative governance structure for implementing an AB 3030 groundwater management plan for the Santa Rosa Plain under SB 1938 and AB 359 (Water Code Sections 10750-10755.4). The Panel agreed to move the proposal forward with two members opposing. Panel member John King's letter of opposition is an appendix to this meeting summary. Member Lloyd Iverson's comments will be appended when ready. The decision outcome lists members in the appendix.

At the previous meeting, the Panel designated a subcommittee to explore remaining concerns about AB 3030 as a legal framework for the groundwater management plan. Key subcommittee members shared the outputs of work done in between meetings and provided the rationale behind recommending developing the groundwater management

plan under the AB 3030 framework. One Panel member highlighted that subcommittee discussion focused on three areas of concern:

- The California water code permits groundwater management plans to adopt rules and regulations although the Panel wants this plan to be non-regulatory
- AB 3030 allows the lead agency to fix and assess fees although Panel members oppose having fees
- Lack of clarity on how decisions are made once a plan is approved

Consistent with charter provisions, the subcommittee explored these issues and achieved consensus that the Panel could apply this framework as a collaborative, non-regulatory approach that clearly defines roles and specific authorities. A major benefit of this approach is that a groundwater management plan developed within the AB 3030 framework would improve funding and research opportunities. The subcommittee expressed support for this legal framework with the Sonoma County Water Agency serving as the lead agency.

One additional comment pointed to how the subcommittee did look at other alternatives, but considered AB 3030 the best, particularly if the focus is on the Panel as the authority for the plan implementation.

One member inquired as to what role other government agencies would have under this framework. Under AB 3030, it was noted, the intent is to have the Panel implement the plan collaborating with local agencies through the Basin Advisory Panel. Past experience has shown that it is also beneficial to acquire agency support through resolutions or cooperative agreements, as this also increases funding opportunities. Another subcommittee member reminded the group that lead agency's authority to issue any regulations would need full approval of the Panel. The Panel member representing the Sonoma County Water Agency agreed with this interpretation and emphasized the need for a resolution from the Panel. For the governance proposal to be finalized, the Water Agency staff would take the formal public resolution along with the proposed governance structure to the water agency's board for approval.

At this stage, the Panel was asked about any outstanding concerns regarding adoption of AB 3030. A number of questions, some simply seeking clarification on key issues, surfaced during the subsequent discussion. These questions generally centered around topics such as Panel composition, outreach and constituent briefings, fees, veto power, ability to learn from other initiatives, and making sure that the draft governance structure is not constrained by having too much specific information at this stage.

One member expressed continued reservations about AB 3030, particularly in light of a letter submitted by another member. In addition, this member tied his concerns to limited support in the legislature for AB 3030, to which a number of members disagreed and cited local state representatives articulated support for this planning effort and the Sonoma Valley plan developed under AB 3030. The framework the Panel is considering does not require legislative approval. One person noted that the state is concerned about areas where communities are not doing enough groundwater management planning. One member stressed the importance of recognizing the difference between concerns about casino development and those associated with the adoption of AB 3030 for the Santa Rosa Plain groundwater management plan.

The Panel then considered a letter submitted by one member not in attendance. The letter focused on concerns about the USGS study and a desire to move to adjudication as a means to address groundwater issues in the Santa Rosa Plain. The author of the letter cited his inability to “stand aside” and let the group achieve a consensus decision on the legal framework and lead agency. The Panel gave consideration as to how the letter, and its assertions, should be handled. It was noted that that the letter countered the key goal of the agreed-upon charter to develop a collaborative groundwater management plan. Others questioned whether adjudication would produce any positive outcomes. A number of members cited significant effort undertaken to move towards consensus on the issue, including the work of the subcommittee. A suggestion was made that the Panel could take actions to acknowledge dissenting opinions and attempt to address outstanding concerns while still moving forward with the proposed governance structure. Others questioned whether adjudication would produce any positive outcomes.

One Panel member, based on experience with a number of other groups, equated the process to a life journey. In this context, the Panel is encouraged to collaborate and build trust along the way. Although there are uncertainties, it was emphasized that it is necessary to engage the process to see where it goes. Others noted how they are balancing their concerns with a genuine desire to move forward. Significant back and forth discussion continued with most in the room voicing approval of AB 3030 as the basis for the Panel’s governance structure. One member at the meeting, however, continued to voice opposition to consensus on the issue.

Acknowledging this member’s concerns, the facilitator suggested that perhaps the Panel needed to table the issue and move forward on the agenda, to which numerous members expressed disagreement. Many began to request that the dissenting member consider stand aside since nearly all Panel members supported the proposed governance structure. In response, the member agreed when given assurances by the Panel that outstanding concerns would be documented, attached to the meeting summary, and addressed by the Panel at a future date. In addition, it was agreed that one member would speak with the individual who had submitted the letter.

In wrapping up the discussion, it was requested that everyone consider the importance of educating one another to make good decisions. Another suggestion emphasized how future concerns need to be supported with specific explanation so members can attempt to resolve the concerns. The Panel then decided to move forward with the proposed governance structure. The Panel also discussed the need for a back-up voting procedure in addition to the existing charter decision-making protocols.

Next Steps

Formal Resolution: As a final point, it was noted that the next step is to draft a resolution for the Sonoma County Water Agency board of directors’ approval. A sample resolution from Sonoma County was passed around for consideration following the meeting. The Water Agency will circulate the draft resolution to those who volunteered to review and will then make it available on the groundwater management plan project website for interested parties.

Comments & Concerns: The members who do not support the proposal to move forward will append the meeting summary with their comments.

Charter Modification: The Panel asked the facilitator to develop language for the charter that specifies when a member cannot agree to the proposal, the Panel will still be able to move forward documenting the concerns of those who do not agree. Panel members felt this is paramount as they wish to continue making progress to develop a groundwater management plan, but still acknowledge the concerns of those who don't agree.

Draft Goals and Objectives

Building upon its work from previous meetings, the Panel next reviewed draft goals and objectives for the Groundwater Management Plan. The technical consultant crafted the draft based on previous Panel discussions. Suggested improvements and clarifications to the document included:

- The goal statement should explicitly state “through non-regulatory measures.”
- Land subsidence is included because of stakeholders’ articulated concerns and the State of California requires that plans address land subsidence.
- “Promote and encourage” recharge activities was changed to “consider and evaluate, and where appropriate promote.”
- Energy efficiency will remain in the goals and objectives because so many members have supported this consideration in the plan.
- “Water reuse” better reflects the range of management options available and will replace “recycled water.”
- Shift the order to reflect the emphasis of the group: 1) integrated planning; 2) stakeholder participation; 3) groundwater protection, etc.

Members will share the goals and objectives document with constituents during upcoming briefings to solicit input and feedback. However, the Panel will go through one more refinement process at the next meeting before this happens.

Disclosures and Charter Amendment

A lawsuit was filed surrounding the Graton Rancheria casino development. The Panel will follow the “Living in Two Worlds” concept reviewed at the previous meeting: groundwater management planning will proceed while the lawsuit takes its own course. The lawsuit falls into the category of something taking place outside the work of the Panel. Graton Rancheria representative Maureen Geary clarified that she and other Rancheria staff cannot discuss any aspect of the lawsuit. If interested in the lawsuit, members can follow and comment in other forums, such as the Board of Supervisors workshop.

The Panel reviewed a proposed charter amendment. Existing and proposed new language addressed the topic of media relations among BAP members. The group agreed to insert language that clarifies how members may speak to the media. The new language emphasizes that members state to any media sources that they only speak for themselves and their views do not represent the BAP. One member requested that a letter about another member talking to the media be circulated. It was noted that the group can share materials like this with each other and that it does not necessarily need to come from the facilitator.

Technical Advisory Committee Charge and Organization

The Panel revisited the TAC Charge and received a summary of the document’s purpose and intent. The Charge document states the goals of the TAC. The TAC is intended to explore

technical issues and present results to the full Panel for consideration. The Panel remains the decision-making body. The TAC will begin to meet monthly and the Panel may soon meet every other month. It was also noted that the TAC could include individuals outside the Panel. Finally, there was brief discussion on how to maintain the proper level and diversity of expertise. The TAC may evaluate composition at the first meeting and note any deficiencies.

Appendix: Governance Proposal Decision Outcome

Panel Members in Agreement in Attendance

- Mark Calhoon, Fircrest Mutual Water Company
- Elizabeth Cargay, Foothills of Windsor Homeowners Association
- Ezraha Chaaban, North Bay Association of Realtors
- Rue Furch, Sebastopol Water Information Group (SWIG)
- Joe Gaffney, Sonoma County Alliance
- Len Holt, Sierra Club
- Lawrence Jaffe, Community Alliance of Family Farmers
- Jay Jasperse, Sonoma County Water Agency
- Bill Keene, Sonoma County Agricultural Preservation & Open Space District
- Melissa Lema, Western United Dairyman's Association
- Gary Mickelson and Mike Mortenson (via Gary Mickelson), California Groundwater Association
- Curt Nichols, Carlile Macy Landscape Architects and Civil Engineers, for the Construction Coalition
- Jane Nielson, Sonoma County Water Coalition and O.W.L. Foundation
- Pete Parkinson, County of Sonoma Permit and Resource Management Department
- Walter Ryan, Sonoma County Farm Bureau
- Jennifer Burke, City of Santa Rosa
- Rocky Vogler, Town of Windsor
- Darrin Jenkins, City of Rohnert Park
- Sue Kelly, City of Sebastopol
- Damien O'Bid, City of Cotati
- Maureen Geary, Federated Indians of Graton Rancheria
- Kara Heckert, Sotoyome Resource Conservation District
- Michael Burns, Resident Santa Rosa
- Dawna Gallagher, Resident Rohnert Park

Panel Members Confirmed Agreement with Facilitation outside the Meeting

- Edward Grossi, Sweet Lane Wholesale Nursery
- John Guardino, Laguna de Santa Rosa Foundation
- Andrew Soule, Cal American Water Company
- Robert Weinstock, EJ Gallo, Representing the Sonoma County Winegrape Commission

Panel Member Standing Aside at the Meeting, Changing to Opposition After the Meeting

- Lloyd Iverson, Local Well Owner

Panel Members Opposed

- John King, Well Owner and Rancher

Please See Appendix: John King Letter 6-6-2012

June 6, 2012

To: Gina Bartlett
Santa Rosa Plain Advisory Panel Moderator
Via e-mail – (for full & immediate distribution)

From: John E. King
Santa Rosa Plain Advisory Panel Member
P.O. Box 127
Penngrove, Ca 94951
707-763-7023

Re: Santa Rosa Plain Advisory Panel Meeting

Dear Ms. Bartlett,

It appears at this late hour I may not be able to attend today's important Advisory Panel meeting. As such, I'm submitting this letter for the record and it is for full and immediate distribution to panel members.

As you may know my exposure to water issues began with litigation over a failure by Rohnert Park to evaluate proposed General Plan impacts on regional areas and groundwater supplies outside its city limits. Rohnert Park acknowledged in its May 2000 EIR area groundwater supplies had declined as much as 150 feet over the previous 25 years. It was clear groundwater supplies were no longer sustainable in terms of ongoing demand and historical recharge rates – despite this the City moved forward with its General Plan to build an additional 4,500 homes and 5,000,000 sq.ft. of commercial space, these numbers have since grown.

It was through this process I learned that state identified rural groundwater recharge areas were targeted for development in the Rohnert Park area, the Department of Water Resources in Sacramento took the position that these areas should be fenced off from development and protected forever – they aren't.

I also learned through the 6 year long Sonoma County General Plan Update process that most of Sonoma County is mapped as being water scarce. Diversions from the Eel River are insignificant in terms of growing water demands and the future of diversions is questionable. Many rural well water levels are now known to be in decline with no hope of outside help. Rural property owners are prohibited by law from voting on City issues, it's the Cities that generate most of the impacts on rural Sonoma County as City water supplies are largely taken from rural Sonoma County lands.

In about 1999 the DWR in Sacramento contacted 1,000 municipalities and water agencies throughout the State offering help with AB 3030, the short list of those who expressed in writing as having no interest included the Sonoma County Water Agency and North Marin Water District who we supply 80 percent of its daily water needs.

It's hard to imagine the agency responsible for safeguarding our irreplaceable water supplies including 4 groundwater basins and Lake Sonoma, water supplies that had been in decline over the previous 25 years in the biggest basin in the County that stretches 14 miles North from Penngrrove to Windsor, had no interest in a much needed groundwater management plan. We have been exporting groundwater from the Santa Rosa Plain Groundwater Basin since the 1970's to North Marin and Marin Municipal Water Districts, the annual amount averages about 6 billion gallons a year with a new obligation as of 2005 to export an additional 16 billion, 250 million gallons per year – every year, despite the over drafting and continued collapsing (land subsidence) of the basin we are trying to stabilize.

Further, we know Marin Municipal Water District no longer gets East Bay MUD water from the Delta, the pipe that was erected in the drought of the 1970's was recently disassembled and sold for scrap iron prices. Marin Municipal Water District has now put all its “eggs in one basket” in creating a sole reliance on Sonoma County ground water supplies that continue to be in decline. The people of Sonoma and Marin Counties couldn't possibly know what is really happening and why.

Add to this grim picture the fact that most of Sonoma County's cities are posturing to move forward with their General Plans, and, we now have an approved Indian Casino that will overly the Santa Rosa Plain Groundwater Basin that will serve as the sole source for all its water needs only adding to a now catastrophic problem. **None of the cities or the Casino has agreed in writing to wait until the panel has reviewed all facts and data that surround the basins evaluation.** Groundwater adjudication (mandatory rationing overseen by the Courts) is eminent. When this happens it will then be apparent all the work and money spent on a ground water management plan for Sonoma Valley to stabilize groundwater supplies and stop salt water intrusion will fail as groundwater imports from the Santa Rosa Plain will likely no longer be available.

During the past Basin Advisory Panel meetings the thrust has been to make the SCWA the lead agency for the proposed AB 3030 GWMP, it's the equivalent of appointing a pack of wolves to “guard the hen house”. We only have to look at the SCWA's past track record of safeguarding our water supplies to see they give exclusive priority to new development in both Sonoma and Marin Counties – not Sonoma County's rural and agricultural lands that are already known to be water scarce. These areas are not in the headcount for what remains of our water supplies.

Finally, we have Lake Sonoma, created by Warm Springs Dam, paid for by Sonoma County land owners who continue to underwrite the expense of the bond, not by those in Marin County. The water held by Warm Springs Dam is earmarked for the cities of Sonoma and Marin Counties, for houses yet to be built and for people not yet here.

Again, not for rural and agricultural Sonoma County that is known to be water scarce and on the rise for failing wells as water levels continue to decline.

It only makes sense if you understand the concept of greed.

I joined the panel with high hopes, but because of a censored USGS presentation, censored and limited work by the USGS, an overall lack of an understanding of the facts about changes in water levels in the basin by the USGS, and an expectation of the Advisory Panel to commit to choosing AB 3030 over adjudication before **all the facts** are considered and evaluated, it is clear the Panel will not be allowed to work without undue influence through the manipulation of data. A truly successful plan will remain out of reach as the process is corrupt. Imagine our County economy trying to recover when forced into mandatory water rationing.

With Sonoma County's economic future at stake, consider this my vote for adjudication, not for AB 3030, and I will not "step aside". I understand that my panel vote for adjudication will not bring forth adjudication. My decision is final.

Signed,

John E. King